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Monday, August 07, 2017

Arkansas, Louisiana, New Mexico, Oklahoma, Texas, and 66 Tribal Nations

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1 — Saltwater disposal volumes in earthquake-prone area fall to mark not seen in almost six years, Tulsa World, 8/5/2017

http://www.tulsaworld.com/earthquakes/saltwater-disposal-volumes-in-earthquake-prone-area-fall-to-mark/article_a27cbcd3-5bce-544c-be12-a9767719280f.html

The amount of saltwater being disposed of in Oklahoma's deepest wells in the earthquake-prone parts of the state has dropped to a monthly level not seen since late 2011, according to government data analyzed by the Tulsa World.

2 — State, EPA look at options to cut wilderness haze, Northwest Arkansas Democrat-Gazette, 8/7/2017

<http://www.nwaonline.com/news/2017/aug/07/state-epa-look-at-options-to-cut-wilder-1/>

Changes to portions of the plans to carry out the federal haze rule are up for public comment as the most debated portions of the plans remain untouched.

3 — Coal plant south of San Antonio off chopping block - for now, San Antonio Express-News, 8/5/2017

<http://www.expressnews.com/business/eagle-ford-energy/article/Coal-plant-south-of-San-Antonio-off-chopping-11735440.php>

The 400-megawatt San Miguel power plant releases 218 pounds of carbon dioxide for every unit of energy, making San Miguel one of the five worst polluters in the state and putting it in the crosshairs of the Obama administration's Clean Power Plan.

4 — Bastrop oil spill stirs Austin's angst over Longhorn pipeline, Austin American-Statesman, 8/5/2017

<http://www.mystatesman.com/news/local/bastrop-oil-spill-stirs-austin-angst-over-longhorn-pipeline/mezCNEMBOYNjQCKZKKmsGI/>

Six months before a maintenance crew caused an 87,000-gallon crude oil spill in Bastrop County on July 13, the pipeline's owner and operator agreed to pay \$18 million in penalties and remediation efforts related to three spills that fouled waterways in three states, including a 20,000-gallon spill in Texas City.

5 — Officials say pumps working; warn of additional flood threat, New Orleans Times-Picayune, 8/7/2017

http://www.nola.com/weather/index.ssf/2017/08/saturdays_10-inch_rain_outstri.html#incart_m-rpt-2

With some New Orleans neighborhoods seeing 8 to 10 inches of rain falling in just a few hours Saturday (Aug. 5), the rainfall overwhelmed the ability of the Sewerage & Water Board's 24 pump stations to keep up, though all were operating, city officials said Sunday.

6 — Regulators and legislators battle over how to resolve long-time tussle over Louisiana's hazardous waste, Baton Rouge Advocate, 8/6/2017

http://www.theadvocate.com/acadiana/news/politics/article_b4741002-7aca-11e7-b334-fb4e5cc0bfc1.html

Arguing that the government regulators of private monopolies had created their own monopoly through their permitting system, Louisiana legislators overwhelmingly passed a new law that opened up the hauling of hazardous waste to all comers.

7— Groups debate who's to blame for Gulf dead zone, Lafourche Parish (LA) Daily Comet, 8/2/17

<http://www.dailycomet.com/news/20170805/groups-debate-whos-to-blame-for-gulf-dead-zone>

Environmental and meat industry groups are exchanging allegations about who is to blame for the largest-ever dead zone in the Gulf of Mexico.

8 — EDITORIAL: Gulf of Mexico dead zone is going in the wrong direction, New Orleans Times-Picayune, 8/6/17

http://www.nola.com/opinions/index.ssf/2017/08/gulf_of_mexico_dead_zone.html#incart_most_shared-environment

The commercial-grade dumpsters surrounding Fort Bend ISD's Willowridge High School are piled to the brim with desks. File cabinets, book shelves, chairs and other furniture are scattered around the back of the school outside the boarded-up back doors.

9 — EDITORIAL: Safety breaches at LANL keep coming to light, Albuquerque Journal, 8/5/17

<https://www.abqjournal.com/1043660/safety-breaches-at-lanl-keep-coming-to-light.html>

Los Alamos National Security LLC, the corporation contracted by the federal National Nuclear Security Administration to run Los Alamos National Laboratory, seems incapable of providing the degree of safety the nation's premiere nuclear lab requires.

10 — OPINION: Ignoring Big Creek, Arkansas Democrat-Gazette, 8/5/17

<http://www.arkansasonline.com/news/2017/aug/05/masterson-online-ignoring-big-creek/>

You'd think our state Department of Environmental Quality (wheeze) eventually would overcome the need to play politics when it comes to the controversial hog factory it quickly and quietly allowed into the Buffalo National River watershed four years ago.

11 — Deadline Looms for NM Comments on Oil and Gas Methane Rule Rollbacks, Public News Service, 8/7/17

<http://www.publicnewsservice.org/2017-08-07/environment/deadline-looms-for-nm-comments-on-oil-and-gas-methane-rule-rollbacks/a58870-1>

New Mexico residents have until Wednesday to submit comments on stricter standards for methane leaks from new and modified oil and gas operations.

12 — North Side flood-control project finally underway, San Antonio Express-News, 8/5/17

<http://www.expressnews.com/news/local/article/North-Side-flood-control-project-finally-underway-11735503.php>

City and county officials have begun a long-awaited flood-control project on the near North Side, starting the first of phase of work to improve an area where dozens of homes were badly damaged in a torrential Memorial Day weekend deluge north of Olmos Basin four years ago.

13 — Environment notebook, Arkansas Democrat-Gazette, 8/6/17

<http://www.arkansasonline.com/news/2017/aug/06/departement-official-resigns-is-replaced-1/>

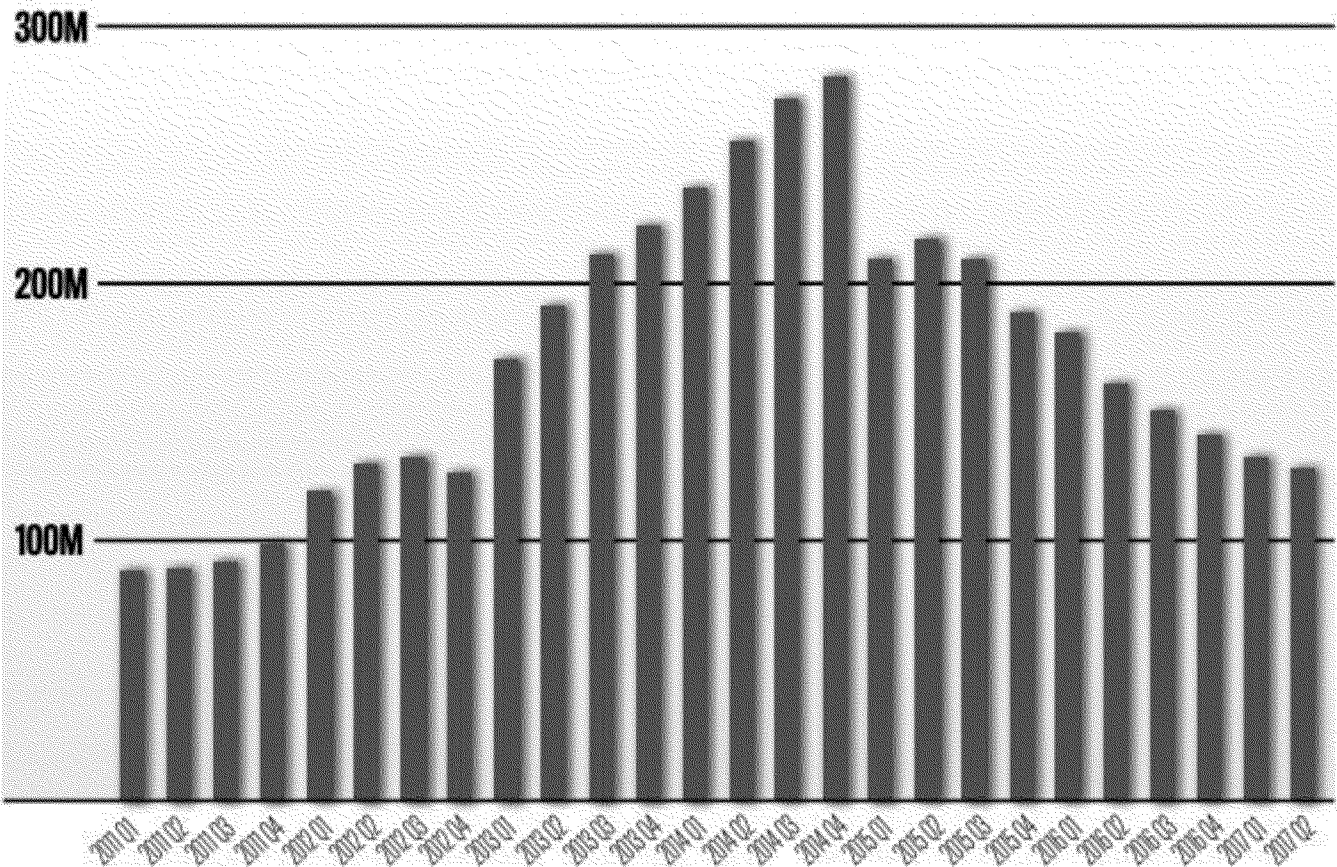
The Arkansas Department of Environmental Quality has put together a voluntary plan to reduce ozone pollution in Crittenden County. The county is officially in attainment of the U.S. Environmental Protection Agency's ozone standards. But the county, located in the major Memphis trucking corridor, has a history of noncompliance.

http://www.tulsaworld.com/earthquakes/saltwater-disposal-volumes-in-earthquake-prone-area-fall-to-mark/article_a27cbcd3-5bce-544c-be12-a9767719280f.html

Saltwater disposal volumes in earthquake-prone area fall to mark not seen in almost six years
The amount injected in quake-prone area hasn't been this low since 2011

By Corey Jones and Curtis Killman Tulsa World Aug 5, 2017 Updated 6 min ago

Wastewater disposal volume (barrels) by yearly quarters



SOURCE: Tulsa World analysis of government data

STEVEN RECKINGER, CURTIS KILLMAN/Tulsa World

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Earthquake analysis: See which companies have injected billions of barrels of wastewater into the ground

The amount of saltwater being disposed of in Oklahoma's deepest wells in the earthquake-prone parts of the state has dropped to a monthly level not seen since late 2011, according to government data analyzed by the Tulsa World.

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Saltwater disposal volumes in earthquake-prone area fall to mark not seen in almost six years | Earthquakes | tulsaworld.com

In July, the operators of 443 Arbuckle disposal wells reported injecting 36.2 million barrels of produced wastewater within the 15,000-square-mile region under stricter quake regulations, according to Oklahoma Corporation Commission data. Figures for the last two days of the month weren't available.

At the overall peak of disposal volumes, 94.5 million barrels were injected in December 2014. That is about 2½ times more than the July amount. Volumes first topped 40 million barrels in early 2012.

Regulators and researchers have been analyzing data after several earthquakes that struck near Edmond on Tuesday and Wednesday, including a magnitude 4.2 that tied for Oklahoma's largest in 2017.

Scientists say Oklahoma's man-made earthquakes are caused by the tremendous volume of ancient seawater in some shale formations that comes to the surface with oil and natural gas and is re-injected back into the ground in the state's deepest geologic formation — the Arbuckle.

The saltwater's pressure pops off earthquakes in the state's crystalline granite "basement," which has many faults that are critically stressed by natural tectonic forces and optimally oriented to slip.

From 2011 through 2016, 206 unique well operators reported injecting 4.2 billion barrels in 723 disposal wells, according to a previous analysis by the World.

For perspective, the 4.2 billion barrels is analogous to 64½ hours of water flowing over Niagara Falls or 88 brimming Lake Yaholas in north Tulsa.

The high of 94.5 million barrels in December 2014 is equivalent to two Lake Yaholas. The 36.2 million barrels in July equates to three-fourths of Lake Yahola.

State seismologist Jake Walter said the Oklahoma Geological Survey's interpretation of the recent Edmond earthquake swarm is that if the wastewater injection of the past several years theoretically were to be removed, the series of quakes likely wouldn't have happened.

But he explained that it is difficult for experts to evaluate success of regulatory actions because of the complexity of causal factors.

"It's not clear that any kind of mitigation would be successful other than a long-term strategy of wastewater reduction," Walter said in response to a question about whether more regulatory action is needed.

Ma Skinner, spokesman for the Oklahoma Corporation Commission, previously said more actions will be required by the agency to restore "what would be considered normal seismicity for Oklahoma."

He said whether the spike in seismicity near Edmond will prompt any new measures specific to that area isn't clear yet.

"(The earthquake risk is) obviously unacceptably high, even if Edmond hadn't happened," Skinner said.

Epicenter: Oklahoma

The following are yearly totals of earthquakes registering magnitude 3.0 or greater (4.0-plus in parentheses) as documented by the Oklahoma Geological Survey since 2005.

2017: 195 (4)*

2016: 623 (15)

2015: 903 (27)

2014: 579 (14)

2013: 110 (3)

2012: 35 (1)

2011: 67 (3)

2010: 41 (2)

2009: 20 (0)

2008: 2 (0)

2007: 1 (0)

2006: 3 (0)

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State, EPA look at options to cut wilderness haze | NWADG

State, EPA look at options to cut wilderness haze

Plans to target sulfur dioxide still months away, state says

By [Emily Walkenhorst](#)

Posted: August 7, 2017 at 4:30 a.m.



FILE PHOTO FLIP PUTTHOFF The Flint Creek Power Plant looms large Dec. 3 at Sweepco Lake and keeps the water warm during winter.



Changes to portions of the plans to carry out the federal haze rule are up for public comment as the most debated portions of the plans remain untouched.

The suggested changes are the latest movements in a yearslong debate over how Arkansas should reduce haze, thereby improving visibility, at four national wilderness areas. The debate has largely centered on costs to utilities to reduce emissions, which would be passed down to consumers, and the potential improvements to public health, which is not legally considered a factor in the planning process.

The U.S. Environmental Protection Agency has proposed extending its deadline for Arkansas to comply with the Regional Haze Rule's nitrogen oxide emissions by another 21 months to January 2020.

At the same time, the Arkansas Department of Environmental Quality has amended its plan proposed in 2012 to require the state's electric utilities to use a different method of calculating compliance with nitrogen oxide.

Both plan changes address only nitrogen oxide requirements for Arkansas power sources, including coal plants.

Opponents of the federal plan for haze -- namely utilities -- have noted the high cost of installing emissions-reducing scrubbers for sulfur dioxide requirements. Utilities have estimated costs in the

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hundreds of millions and up to \$1 billion for each of the state's largest coal plants. The EPA has estimated costs of less than \$500 million for those coal plants.

The EPA's plan for Arkansas is officially in place, encoded into the Federal Register last fall. Hoping to take control of the state's compliance, Arkansas has proposed revisions to a state implementation plan for haze. Because the federal plan is already adopted into regulations, the state plan must overcome legal hurdles before it can be accepted. The federal plan would have to be rescinded, a process that requires public comment and a detailed legal rationale for repeal.

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The EPA, under the new leadership of Scott Pruitt, has said it is reconsidering portions of the federal plan.

"If EPA determines through the ongoing reconsideration process that revisions to other parts of the [federal implementation plan] are warranted, we will propose such revisions in a future rulemaking action," the EPA's proposal reads.

In its proposal, the EPA says it did not adequately consider the concerns raised by stakeholders about the 18-month compliance timeline for nitrogen oxide and subsequent logistical issues. The change would affect three coal plants: Flint Creek in Gentry, White Bluff in Redfield and Independence in Newark.

The Arkansas Department of Environmental Quality's plan calls for utilities to use the Cross-State Air Pollution Rule instead of the Best Available Retrofit Technology Rule to comply with nitrogen oxide requirements. According to Stuart Spencer, associate director in charge of the office of air quality for the department, the state is essentially given a nitrogen oxide allowance, and utilities can meet their budgets or buy credits from utilities that are below their budgets.

Arkansas is already required to reduce nitrogen oxide emissions under the Cross-State Air Pollution Rule, which went into effect in 2011 and has since been challenged in court.

Spencer said the Cross-State Air Pollution Rule requirements were more flexible for utilities but not necessarily easier to comply with. He said he anticipated some plants might install low-nitrogen oxide burners on their plants anyway because burners guarantee compliance.

The state intends to unveil a revamp of the sulfur dioxide portions of its implementation plan in the coming months, Spencer said.

Utilities have responded positively to the proposed changes.

Officials with Arkansas Electric Cooperatives Inc. noted that the state plan leaves out the Independence coal plant, of which the cooperatives own a minority share. The federal plan includes the plant, which the cooperatives and Entergy -- the majority owner -- argued was not legally required to be a part of the plan.

"Entergy supports the state's proposed changes to its state implementation plan for Regional Haze and Cross-State Air Pollution," a company statement reads.

But the Sierra Club opposes the changes, noting they eliminate the requirement for certain plants to reduce emissions in their own communities.

"Why should Arkansans have to live next to dirty coal-burning power plants that lack modern pollution controls for pollutants like nitrogen oxide?" said Glen Hooks, president of the group's Arkansas chapter.

The EPA will accept public comments on its proposed changes until Sept. 22. It will hold a public hearing at 3 p.m. Aug. 23 at the Arkansas Public Service Commission in Little Rock. The

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suggested changes are available on the Federal Register's website.

The Arkansas Department of Environmental Quality will hold a public hearing on its proposed changes at 2 p.m. Aug. 14 at its North Little Rock headquarters. It will accept public comments through the end of that day. The proposed revisions are available on the department's website.

Metro on 08/07/2017



Coal plant south of San Antonio off chopping block - for now

By Rye Druzin | August 4, 2017 | Updated: August 7, 2017 7:15am

8/7/2017

Coal plant south of San Antonio off chopping block - for now - San Antonio Express-News



Photo: William Luther, Staff / San Antonio Express-News

IMAGE 1 OF 16

One of the sections of the San Miguel lignite coal strip mine near Campbellton is seen Wednesday, May 17, 2017 in an aerial image.

CAMPBELLTON — From the air, the San Miguel coal mining operation 49 miles south of San Antonio looks like a scene from the industrial revolution.

A massive dragline excavator with a bucket big enough to hold two Ford F-250s pickup trucks dwarfs several 100-ton dump trucks piled high with lignite. As the excavators scrape through seven stories of South Texas dirt, the machine unearths a dark vein of coal that feeds the nearby San Miguel power plant, the source of 20 percent of the

electricity for the South Texas Electric Cooperative, which serves 241,000 customers in 42 counties.

Lignite, often called brown coal, is the lowest grade of coal and produces less energy and more carbon pollution than harder, black coal.

The 400-megawatt plant releases 218 pounds of carbon dioxide for every unit of energy, making San Miguel one of the five worst polluters in the state and putting it in the crosshairs of the Obama administration's Clean Power Plan. That regulation called for a reduction of carbon-dioxide emissions by up to 32 percent below 2005 levels and would have required San Miguel to cut its CO2 levels by about half.

But recent events may have saved the San Miguel plant from extinction. In February 2016, the U.S. Supreme Court blocked the Clean Power Plan and sent it back to lower courts for a ruling on its merits. President Donald Trump also moved to dismantle the plan with a March 28 executive order that placed it under review.

"They (the EPA) did not accommodate for the fact that many hundreds of facilities across the country were built and financed on the assumption they'd be able to live out their useful life," Mike Nasi, an Austin-based attorney who represents both San Miguel and the South Texas Electric Cooperative in the lawsuit against the Environmental Protection Agency, said. "In the case of the co-ops that I represent in Texas, the useful life was in the mid-2030s and yet the way the (carbon) budgets worked that were imposed on the state you were looking at the retirement scenario in the early 2020s."

With the EPA now being run by Scott Pruitt, who sued the agency multiple times during his tenure as Oklahoma attorney general, San Miguel has "all the breathing room we need," Nasi said.

In a lawsuit against the Environmental Protection Agency, Derrick Brummett, the former interim general manager at San Miguel, said that in order to reach the Clean Power Plan reductions, the plant would have to "run less, buy credits, or some combination of both — factors that lead to my conclusion that the unit would not survive implementation."

The cost of compliance would have forced the plant to shut down long before its contract is scheduled to run out in 2037, Brummett said in an October 2015 court filing. It would have left

ratepayers on the hook for upward of \$489 million, according to the legal documents.

Kirk Johnson, spokesman for the National Rural Electric Cooperative Association, said that, on top of the debt ratepayers would be left with if power plants were forced by the Clean Power Plan to shut down, they would then have to find new sources of power. Johnson said people would have to pay twice for their power — “once for the power plant that they still have debt on and then again for a new source of energy to replace that plant.”

But coal plants are rapidly being replaced anyhow by those that use cleaner natural gas, and by the rapid advancement of renewables such as wind and solar energy. The impact of the Clean Power Plan alone would result in closing at least 32 coal plants, according to an Associated Press analysis reported in Governing, a nonpartisan website focused on state and local governments.



Shelving the Clean Power Plan — introduced in 2015 as a key weapon to help the U.S. meet its commitments to reduce heat-trapping gases that contribute to global warming — infuriates environmentalists and is seen as a setback in the shift to cleaner energy. Trump, who in his

campaign called global warming a “hoax” perpetrated by China, also has pulled the U.S. out of the Paris climate accord.

“Lignite is just garbage fuel; it’s dirty, it produces a lot of nasty metals, it has higher CO2 output per megawatt hour because its not a very good fuel,” said Chrissy Mann, a senior campaign representative for Sierra Club's Beyond Coal Campaign.

Natural gas produces, on average, 117 pounds of carbon dioxide per unit of energy, nearly half what San Miguel produces, according to data from the U.S. Energy Information Administration.

The Clean Power Plan mandated that fossil fuel power plants limit emissions to 1,305 pounds of carbon dioxide per megawatt hour. That level was nearly half San Miguel’s 2010 to 2012 average of 2,452 pounds per megawatt hour

San Miguel released 3.3 million tons of CO2 last year. By comparison, San Antonio’s JT Deely power plant, which can generate twice the energy and will be mothballed by the end of 2018, released 3.4 million tons of carbon dioxide last year while running at 33 percent of its capacity.

While discussing the demolition of the former W.B. Tuttle natural gas-fired power plant in October, CPS’ Vice President of Power Generation Benny Ethridge said it’s likely new coal won’t be developed by CPS.

“I don’t see us ever building another coal plant,” Ethridge said.

In April, Trump’s Energy secretary, former Texas Gov. Rick Perry, ordered his department to conduct a study of grid reliability and security, saying “there are significant changes occurring within the electric system that could profoundly affect the economy and even national security.”

“Baseload power is necessary to a well-functioning electric grid,” Perry said. He went on to say “over the last few years, however, grid experts have expressed concerns about the erosion of critical baseload resources.” He pointed to regulatory burdens introduced by the Obama administration “that were designed to decrease coal-fired power generation.”

Perry also cited “the market distorting effects of federal subsidies that boost one form of energy at the expense of others.” Perry didn’t specifically single out the tax credits for wind and solar, which are targeted for elimination in 2020. Oil and gas exploration has been subsidized for decades.

A draft of the report, leaked in June, noted that “many of the on-going stream of plant retirements have been driven by the combination of low natural gas price-based electricity prices, low electric demand, environmental regulations, state policies, and competition from renewables.”

“In other words, many retirements are consistent with observed market forces,” the report said.

Mann, the Sierra Club expert, said the EPA’s Clean Power Plan gave states more “flexibility” than its opponents give it credit for.

“There were interim steps to ensure that the state was getting where they needed to go to achieve those emission reductions,” Mann said. “Every state, state regulators and the stakeholders in every different state... they’re going to be the ones who know best on what would be the best way to get to carbon emission reduction.”

The Clean Power Plan includes multiple stages between its implementation in 2022 and 2032, when the carbon dioxide emission reductions were supposed to be realized.

Eric Schaeffer, the former head of the EPA’s civil enforcement office from 1997 to 2002, said there’s “not much evidence that it’s the environmental regulations that are driving jobs out of the industry.”

“We’re just over two-thirds of the way (to reducing carbon) with no regulation having ever taken effect, and a lot of that is price, obviously,” Schaeffer said, referring to years of low natural gas prices that have led to increased use of the natural gas for power plants. “Also wind is coming on strong and the some of these (coal) plants were having to decide whether they were going to put a scrubber on to finally deal with the sulfur and the market was too soft for them to justify that.”

Schaeffer said San Miguel’s unique situation — with its source of coal at most 15 miles from its power plant — may make it less susceptible to market forces.

But Schaeffer — who is now executive director of the Washington, D.C.-based Environmental Integrity Project, an environmental nonprofit group — is concerned public power utilities have become “one of the last bastions of coal” due to captive ratepayers and utilities limited financial ability to build new plants.

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“My uncle worked in coal plant, he was a coal plant operator outside of Memphis... gave him a good life, union job with a good salary. We need that,” Schaeffer said. “But I think promising (to cut) regulations is going to deliver those jobs is a lie.”

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Rye Druzin

Business Reporter

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Bastrop oil spill stirs Austin's angst over Longhorn pipeline

METRO-STATE By Jeremy Schwartz, Andy Sevilla and Christian McDonald - American-Statesman Staff

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Updated: 2:15 p.m. Saturday, August 05, 2017 | Posted: 2:53 p.m. Friday, August 04, 2017

Highlights

Pipeline's owner hit with millions in fines and penalties in recent years.

Groundwater district not notified of spill and hasn't yet tested private water wells in area.

City of Austin concerned about spill risk of Longhorn pipeline, which also runs through aquifer recharge zone.

Six months before a maintenance crew caused an 87,000-gallon crude oil spill in Bastrop County on July 13, the pipeline's owner and operator agreed to pay \$18 million in penalties and remediation efforts related to three spills that fouled waterways in three states, including a 20,000-gallon spill in Texas City.

As part of the January settlement with the U.S. Environmental Protection Agency, Magellan Pipeline Company LP agreed to spend \$16 million in cleanup efforts, better public notification of spills and

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LONGHORN PIPELINE: Bastrop spill 7th largest in Texas since 2009

additional training for third parties who work around its pipelines. The company also agreed to pay a \$2 million civil penalty.

Federal records also show the Pipeline and Hazardous Materials Safety Administration, which has launched an investigation into the latest spill, has levied more than \$1.4 million in proposed fines against the company since 2006, largely related to inspection violations. The company operates more than 10,000 miles of petroleum pipelines across the U.S., including the Longhorn pipeline, which pumps crude oil from West Texas to Houston, crossing Central Texas and South Austin.

Authorities say the July 13 spill on the Longhorn pipeline in Bastrop, the seventh-largest crude oil pipeline spill in Texas since 2009, didn't reach any local waterways, including nearby Cedar Creek or the Colorado River, about 1.5 miles from the spill site.

But the Bastrop spill comes as the Trump administration has frozen a series of new rules developed under the Obama administration aimed at strengthening pipeline inspections and requiring better leak detection systems. And for Austin officials the spill is a jarring reminder of the potential dangers associated with the Longhorn pipeline, a subject of passionate debate for two decades in the city, where the pipeline passes through the Edwards Aquifer recharge zone and heavily populated neighborhoods.

The pipeline agency has issued several warning letters about probable violations along the Longhorn pipeline and related facilities in Houston. A 2013 warning letter noted shortcomings in Magellan's record-keeping of corrosion control measures. A \$66,000 fine levied in 2006 alleged inadequate inspection of above-ground tanks and failure to adequately mark buried pipeline.

"Our goal is zero incidents," said Bruce Heine, Magellan vice president of government and media affairs. "We will continue working within our company and within our industry to eliminate outside force damage to pipelines." Heine said the company is in compliance with the EPA's January consent decree.

Since 2006, the pipeline safety administration proposed about \$65 million in penalties against pipeline operators nationwide, and one industry expert said Magellan has had fewer spills per pipeline mile than other companies of similar size.

In Bastrop, Magellan said it has recaptured all the spilled oil with vacuum trucks and says no oil seeped into local water resources. The Texas Commission on Environmental Quality said its regional investigators along with representatives from the EPA inspected the area July 13 and 14 and recorded no impacts to nearby water wells.

"TCEQ is not aware of any reports of concerns related to public drinking water supplies," the agency said last week.

Gaps in well water testing

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But the spill revealed potential gaps in testing procedures and communication among regulators, and environmental groups warned toxic impacts of the spill could linger for residents.

The Lost Pines Groundwater Conservation District, which oversees groundwater in Bastrop and Lee counties, said it doesn't have a working plan to address oil spills within its boundaries.

"We've never had an oil spill before that I'm aware of," district General Manager James Totten said. "Nothing on the books right now in terms of responses for it aside from being able to provide testing and monitoring for the well owners in the area."

Totten said the district hadn't conducted any testing of the 10 or so privately owned wells within a mile of the spill site.

"When this occurred, we received no notice or information from the state (Railroad Commission or Texas Commission on Environmental Quality)," Totten said. "There was no direct contact between those agencies and the district."

The Railroad Commission said it didn't inform the district because its initial assessment revealed no groundwater contamination, Totten said.

State Rep. John Cyrier, R-Lockhart, announced last week an environmental consulting company performed a site assessment July 25-26 and obtained soil samples to determine the extent of any contamination.

The Railroad Commission said Wednesday it hadn't yet received the results of the assessment. The commission's oil and gas division is overseeing Magellan's assessment and cleanup.

"Magellan representatives and environmental specialists responded quickly to minimize any impact of the crude oil release to the public and the environment," company spokesman Heine said.

Magellan is required to contain and remove all free-standing fluids and oil-contaminated soil and vegetation from the spill site, Railroad Commission spokeswoman Ramona Nye said. Magellan is responsible for all the costs associated with the spill.

Cyrus Reed, conservation director for the Sierra Club's Lone Star Chapter, said that, even in a best-case scenario, "it is likely that some amount of hydrocarbons were released and stayed in the local environment, be that in local soils, groundwater or ground cover."

"The spill indicates the need for greater coordination and transparency," he added.

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Heine said the company is “evaluating several options to manage the affected soil which currently remains at the site.”

Totten said he expects to hear from the Railroad Commission on the plan for remediation and advised landowners concerned about their wells to contact the conservation district so it can test water samples.

4 million gallons of spills

While large, the Bastrop spill is just one of nearly 700 crude oil pipeline spills in Texas since 2009, most of which generate little alarm. Texas Railroad Commission data shows 673 pipeline spills over that time, resulting in the spillage of more than 4 million gallons, according to an American-Statesman analysis. Two-thirds of that spilled crude oil, 2.5 million gallons, was recovered.

The number of crude oil pipeline spills generally increased yearly from 66 in 2009 to 114 in 2014, before dropping in recent years. There were 46 spills reported to the Railroad Commission in 2016.

Not included on the list, which doesn't cover refined petroleum products, was the February 2011 Magellan pipeline rupture north of Texas City, which spilled more than 20,000 gallons of gasoline, some of which reached the Pierre Bayou waterway. That was one of three spills — the other two occurred in Nebraska and Kansas — that led to enforcement action against Magellan by the EPA for alleged violations of the Clean Water Act.

The Pipeline and Hazardous Materials Safety Administration was set to introduce a series of new pipeline rules in January, including requirements to inspect pipelines after floods and other extreme weather events, as well as enhanced leak detection systems in populated areas. But those regulations, among others, have been put on hold by the Trump administration.

Brigham McCown, a former head of the pipeline safety administration and member of Trump's transition team, told Bloomberg News in February that the agency had “gone overboard” in developing new rules.

The freeze has sparked criticism among environmental groups who say it comes just as large new pipelines, including the controversial Dakota Access pipeline, are slated to begin pumping.

Carl Weimer, executive director of the Pipeline Safety Trust, a Washington-based nonprofit, said the federal government lacks enough inspectors to keep a close eye on the more than 200,000 miles of pipeline in the U.S. carrying hazardous liquids. Even after a boost in the number of inspectors during the Obama administration, “they are still spread pretty thin,” Weimer said.

As a result, most inspection activity is conducted by the private pipeline companies.

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Weimer said that while spills caused by third parties — like a farmer or construction crew working near a pipeline — are fairly common, it's more unusual for a company's own contractor to cause an accident, as happened in Bastrop. "It certainly shines a light that the company, and contractors need to pay close attention to their safety management," Weimer said.

Weimer said it's not surprising that 87,000 gallons spilled after a contractor performing routine maintenance punctured a fitting, given the large volume of oil and high pressure in the Longhorn pipeline.

There have been just three larger pipeline spills since the start of the year across the country, Weimer said.

Angst in Austin

The Longhorn pipeline has caused angst in Austin since efforts to revive the dormant pipeline began two decades ago. The city of Austin and others, arguing that the pipeline represented a danger to highly populated neighborhoods in South Austin and to the groundwater feeding Barton Springs, sued to stop the project in 1998. The resulting settlement led to enhanced protections in the recharge zone in South Austin, including concrete trenches around the pipeline and sensor cables to detect small leaks.

Chuck Lesniak, environmental officer with the city's Watershed Protection Department, said the Bastrop spill has sparked concern at City Hall.

"It is the kind of thing we worry about," he said. "We pay pretty close attention to it."

In 2010, Tulsa, Okla.-based Magellan, which had purchased the pipeline through a bankruptcy court a year earlier, decided to reverse the pipeline's flow, which had been of gasoline from Houston to West Texas, to crude oil running in the other direction to take advantage of changing market prices. While crude oil is less explosive than gasoline and other refined petroleum products, "a spill over the recharge zone would still be potentially catastrophic," Lesniak said.

Lesniak said he was aware of only one Longhorn pipeline spill in Austin — a 2013 spill of about 300 gallons caused by a maintenance crew working on a valve north of Slaughter Lane. That spill, which isn't reflected in Railroad Commission data, was captured by a concrete containment area before it could reach the ground, officials said.

Magellan "has been pretty good about notifying us of anything that crops up," Lesniak said. "We're not aware of anything else."

NEW ORLEANS, LA WEATHER FORECAST

Officials say pumps working; warn of additional flood threat

91

Updated on August 7, 2017 at 8:00 AM

Posted on August 6, 2017 at 10:32 AM

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By Mark Schleifstein, mschleifstein@nola.com,
NOLA.com | The Times-Picayune

With some New Orleans neighborhoods seeing 8 to 10 inches of rain falling in just a few hours Saturday (Aug. 5), the rainfall overwhelmed the ability of the Sewerage & Water Board's 24 pump stations to keep up, though all were operating, city officials said Sunday. And they warned that additional thunderstorms could again overwhelm the city's pumping capacity on Sunday and Monday.

The biggest threat for additional heavy rain is likely Monday afternoon, based on a morning briefing by National Weather Service forecasters, said Aaron Miller, the city's director of homeland security and emergency preparedness, at a Sunday morning news conference at New Orleans City Hall.

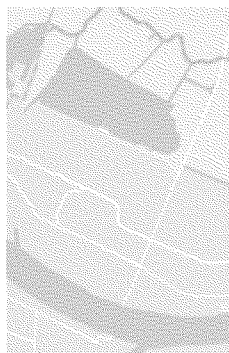
"With current saturation levels of the ground and the water that we've seen over the last few days, any additional rain will result in quick runoff, so we want residents to be particularly aware during rains when they're out on the roads," Miller said.

The city has no immediate plans to request an emergency declaration from the state, but that could change once more information on flood damage is collected, said Ryan Berni, deputy mayor for external affairs. He said city emergency officials conducted an initial windshield survey of the most damaged areas on Sunday morning, especially looking at businesses and homes that took on water, and that information reported by residents and businesses over the next few days will be added.

"There are going to be hundreds of vehicles that got water, so we know that, particularly in Lakeview, Gentilly, Mid City and Treme were hot spots for that," he said.

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The City of New Orleans map above shows where damage has been reported from Saturday's flooding.

City officials updated the amount of rain falling in various locations on Sunday afternoon:

- Mid City, 9.43 inches
- St. Bernard, 5.74 inches
- St. Roch, 5.62 inches
- Broadmoor, 5.49 inches
- City Park, 4.96 inches
- Lakeview, 4.71 inches
- Gentilly, 3.94 inches
- Lower 9th Ward, 3.64 inches
- Hollygrove, 2.07 inches
- Lower Coast Algiers, 1.54 inches
- New Orleans East, 0.74 inches

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Officials say pumps working; warn of additional flood threat | NOLA.com

"Public safety is our top priority, so we are advising residents to continue to monitor weather conditions and stay alert today," said Mayor Mitch Landrieu in a news release summarizing Saturday's storms and the Sunday recovery plans.

"These no-notice rain and flooding events can be very dangerous, but luckily, there was no loss of life," Landrieu said. "Today, we begin the hard work of assisting those who flooded and getting our streets passable for regular traffic. With additional rain expected today and the rest of this week, I would encourage all of our residents to clean in front of their catch basins."

According to the news release, the 8 to 10 inches of rain that fell in some neighborhoods equated with a rainfall event that has a 1 percent chance of occurring in any year, a so-called 100-year event.

Other areas saw lesser amounts of rainfall, equaling a 10-percent chance or 10-year event.

"The rate of rainfall in many neighborhoods of the city was one of the highest recorded in recent history," the news release said, resulting in widespread street flooding in Gentilly, Lakeview, Mid City, Treme and the Central Business District, though there were no reports of loss of life, and only minor injuries.

Sewerage & Water Board officials have said city's drainage pumping system is designed to handle an inch of rainfall during the first hour of an event and a half-inch each hour thereafter. Officials said all 24 pumping stations were on and working on Saturday. The temporary pumping stations at the ends of the 17th Street, London Avenue and Orleans Avenue canals only operate when the floodgates blocking water from Lake Pontchartrain are closed, and thus are not operated during a rainfall event. The three permanent pumping stations under construction at the ends of those canals are not yet complete, but will operate in the same way.

Officials said the city's public safety agencies, including police, fire and emergency medical services, responded to more than 200 emergency calls related to flooding.

Sunday will see a potential repeat of heavy rainfall in brief periods across much of the New Orleans metropolitan area, warned forecasters with the Slidell office of the National Weather Service.

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"Although very high rainfall amounts will not be widespread, any one isolated location could receive very high amounts from 3 to as much as 6 inches of rainfall," forecasters said in a forecast discussion message. "This is normally not an issue if it is spread through a long period of time, but unfortunately, this amount of rainfall could again fall within a short duration for any particular area."

The city has put a link on its web site with information on what to do after flooding, including how to file flood insurance claims. Residents are urged to document damage by taking photos:

<https://nola.gov/ready/updates/heavy-rains-and-flooding-in-new-orleans-stay-safe/>.
More information is available at [ready.nola.gov](https://nola.gov/ready/).

New Orleans officials asked residents to report street flooding and life-threatening emergencies to 911, and to remain indoors during heavy rainfall "unless an emergency makes it absolutely necessary for them to get on the road."

Officials also warned that motorists driving faster than 5 mph through streets with standing water would be ticketed. That warning follows several reports of flooding on Saturday being exacerbated by waves pushed into homes and businesses by vehicles driving through flooded streets.

Police said there were no road closures as of 9:30 a.m. Sunday, but said that could change, depending on additional rainfall.

"Residents are reminded to continue to use caution when driving through areas affected by yesterday's flooding, as there are stranded vehicles, debris and potential for pooling water," the city news release said.

Officials said residents with stranded vehicles in the middle of roadways or intersections are expected to move them immediately to the side of the road, preferably into a parking lane, and warned that the Department of Public Works and police "may have to 'courtesy tow' vehicles to the side of the roadway" in some cases, and in the case of vehicles abandoned on interstate or major roadway ramps, may have to be towed to the city's impound lot. Residents won't be charged to retrieve those vehicles, the news release said.

Folks also will be allowed to park on neutral grounds throughout the city on Sunday, as long as they don't block intersections or park on streetcar tracks. But all vehicles must be removed from those areas by midnight Sunday, to allow for a return to normal transit operations on Monday morning.

The city asked residents to call 311 for general information and to report non-life threatening emergencies, including sidewalk and road problems and debris, between 10:30 a.m. and 6 p.m. on Sunday. The city's sanitation collection schedule has not changed.

For properties eligible for city collection:

- During the 2nd collection this week, the Sanitation Department will pick up bulky waste including debris, carpeting and other large items. Residents are encouraged to inform 311 of bulky waste pickup needs.
- Tree limbs, branches and carpeting must be cut in four feet (or less) lengths and bundled. Tree limbs cannot be more than 12 inches in diameter.
- Leaves should be bagged and the bags secured.
- Garbage and recycling carts should be secured on the associated property, between collections, to avoid spillage during heavy winds, rains and flooding.

City officials said they'd made significant progress by Sunday afternoon in clearing stalled cars and opening up streets to traffic.

Intersections cleared include:

- 1600 and 1700 Basin St. at N. Claiborne Ave.
- N. Broad St. at Orleans Ave.
- N. Broad St. at Esplanade Ave.
- Tulane Ave. at S. Broad Ave.
- Tulane Ave. at Jefferson Davis Pkwy.
- Bienville St. at Jefferson Davis Pkwy.
- N. Broad Ave. at St. Bernard Ave.
- St. Bernard Ave. to N. Claiborne Ave.
- N. Claiborne Ave. (Both sides to Canal St.)

Areas cleared or in progress include:

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- A.P. Tureaud Ave.
- Broad St. (A.P. Tureaud Ave. to Tulane Ave.)
- N. Claiborne Ave. (Poydras St. to Elysian Fields Ave.)
- Frenchmen St.
- Rampart St. (Canal St. to Esplanade Ave.)
- Elysian Fields Ave. (Decatur St. to N. Claiborne Ave.)
- Esplanade Ave. (Decatur St. to Rampart St.)
- Canal St. (City Park Ave. to N. Claiborne Ave.)
- St. Bernard St. (I-610 to Carrollton Ave.)
- Tulane Ave. (Claiborne Ave. to Carrollton Ave.)
- Earhart Expressway/Calliope St. (Convention Center Blvd. to Orleans Parish Line)

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Regulators and legislators battle over how to resolve long-time tussle over Louisiana's hazardous waste

BY MARK BALLARD | MBALLARD@THEADVOCATE.COM AUG 6, 2017 - 10:30 PM



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Advocate Photo by MARK BALLARD -- State Sen. Dan "Blade" Morrish, R-Jennings, testified against applying restrictions to environmental cleanup litigation to previously filed legacy lawsuits. His efforts failed.

Mark Ballard

Arguing that the government regulators of private monopolies had created their own monopoly through their permitting system, Louisiana legislators overwhelmingly passed a new law that opened up the hauling of hazardous waste to all comers.

While the unelected members of the Louisiana Public Service Commission agree that the Legislature has no right to interfere with their regulatory prerogatives, they have split along party lines in the debate over the particulars covered by the new law.

"It's ridiculous," said Commissioner Foster Campbell, a Bossier Parish Democrat. "All the Republicans talk about is free trade, open markets. But every one of these guys is covering up for monopolies. It's one of the hidden secrets at the PSC."

Story Continued Below

Republicans on the panel countered that the agency has proposed new industry-inspired rules that address most, but not all, of the issues raised by the Legislature and does so without compromising the PSC's authority outlined in Article IV, Section 21 of the Louisiana Constitution.

PSC Chairman Eric Skrmetta, a Metairie Republican, said: "I took an oath to support the Constitution of the state and until such a time as a judge strips that authority I'm going to abide by that Constitution."

The new rules, now in their fifth year of formation, has been slowed by death and political ambition. But commissioners could vote as early as September on procedures that supporters say would ensure the public is protected from the unscrupulous haulers who once dumped barrels of toxic waste in swamps and bayous.

Underlying issues aside, the PSC also filed a lawsuit that argues the legislators and Democratic Gov. John Bel Edwards not only jumped the gun, but illegally grabbed their constitutional authority in doing so.

Nineteenth Judicial District Court Judge Michael Caldwell, of Baton Rouge, and ultimately the state appellate courts are being asked to determine whether the PSC or the Louisiana Legislature has the power to regulate private truckers operating in the state.

There are two levels of permits, one that limits the holder to five clients and the other that allows the carrier to haul waste all over the state. About 70 companies are allowed to move either hazardous waste or industrial byproducts or leftovers from oil field drilling and production from its source to its disposal.

Thirteen truckers are permitted to handle all three types of waste.

Campbell calls those the "gold" and "platinum" permits, Campbell said. "They're the only ones that can do this business all over the state, that makes them (the permits) pretty damn valuable," he said, noting that not a one of the current licensees is located north of the Interstate 10/12 corridor where his million constituents live.

All 13 of the permit holders are politically well-connected. And almost all of the officers in the 13 companies are prolific contributors to political campaigns, collectively giving hundreds of thousands of dollars to candidates, though not any running for the PSC.

PSC regulations have evolved since Huey Long was commissioner almost a century ago. Hazardous waste procedures tightened over time after officials in the 1970s become aware that some operators were dumping toxic waste pell mell.

Traditionally, PSC vetting protocols include public hearings, during which interested parties can demand information and raise concerns. That model may prove effective in balancing the business needs of privately owned utilities operating as monopolies with customers who have no other choice on the open market. But carriers have to compete for waste hauling business, Campbell said.

What ends up happening is that the truckers with the existing permits get a chance to demand sensitive information, like client lists, and set conditions, such as the amount and type of equipment necessary, in order to get the permit, he said.

"There are some antiquated rules that need to be looked at," said Bubba NaQuin, a former state environmental inspector who joined Hine Environmental Services in Sulphur, a company that has sought a permit.

NaQuin testified those who oppose relaxing the regulations do so because they fear tiny companies without proper equipment and financing will get the contracts and bring back the days when dangerous by-products often ended up in vacant lots instead of proper disposal facilities.

But in the current litigious society, the companies that make the waste are careful how it's handled lest they get sued, he said. And the state Department of Environmental Quality has tightened its regulations and tracks the toxins from cradle to grave.

State Sen. Dan "Blade" Morrish, the Jennings Republican who sponsored Senate Bill 50, argued that all the PSC really needs to do is ensure the applicant has the financial wherewithal, the trained personnel and enough insurance to the work.

"This is not about safety. It's about free enterprise. It's about fair competition," Morrish said.

The proposals pending a PSC vote address a number of the changes of the complaints. Specifically, if the new rules are enacted, the PSC staff lawyers and experts will review applications behind closed doors. Then they'll make a recommendation to administrative law judges. Hearings will be held and the judge will issue a written recommendation and opinion on which the newly elected commissioners can vote.

Critics of the proposal say that while the new rules would allow for a recommendation before the application becomes public, the procedures still pretty much mimic what happens now.

Supporters counter that the rule changes reflect an industry-driven compromise from all hauling concerns – not just those who didn't receive the permits they sought – while still providing the public a level of protection that was at the root of the original procedures.

PSC General Counsel Brandon Frey pointed out to legislators in testimony that commissioners relaxed the procedures regulating companies that move household furnishings when they saw such scrutiny was generally unnecessary.

Approving the new rules has proven difficult.

PSC Chairman Clyde Holloway, the Forest Hill Republican who started the rules-changing process in 2012, died. Commissioner Scott Angelle, R-Breaux Bridge, ran unsuccessfully in multiple elections until he quit earlier this year to take a job in the Trump administration. Meanwhile, the staff attorney shepherding the effort left for a better paying job.

One of the new commissioners, Mike Francis, R-Lafayette, recused himself because his son was affiliated with one of the permitted companies.

The remaining four have split two-to-two along party lines – three votes are needed for approval or rejection – largely on whether to adopt the new rules as written or embrace further changes that were included in the new law.

Commissioner Damon Baldone, R-Houma, joined the PSC in June and started delving into the issue, which is the biggest one right now confronting regulators.

"I'm the new eyes of this commission," Baldone said. "They realize there are some issues and we're on the path to resolving those issues. The new rules will set out a way for the average guy to get a license and that's the bottom line."



Groups debate who's to blame for Gulf dead zone

By Keith Magill Executive Editor

Posted Aug 5, 2017 at 8:28 PM

Updated Aug 5, 2017 at 8:28 PM

Environmental and meat industry groups are exchanging allegations about who is to blame for the largest-ever dead zone in the Gulf of Mexico.

The area of low to no oxygen off Louisiana and Texas, which kills fish and other marine life that fail or are unable to move out of the area, spans 8,776 square miles, about the size of New Jersey, the National Oceanic and Atmospheric Administration said Wednesday. It is the largest measured since dead zone mapping began 1985.

Previously, the largest dead zone was recorded in 2002, at 8,497 square miles. The average over the past five years has been about 5,806 square miles, about three times larger than a state-federal task force's target of 1,950 square miles.

The dead zone is caused by runoff from Midwest farms and cattle pastures that flows down the Mississippi River, scientists say. The pollution, which scientists refer to as "nutrients," stimulates an overgrowth of algae, which sinks and decomposes, depleting the Gulf waters of oxygen.

"We expected one of the largest zones ever recorded because the Mississippi River discharge levels, and the May data indicated a high delivery of nutrients during this critical month which stimulates the mid-summer dead zone," Nancy Rabalais, a scientist at the Louisiana Universities Marine Consortium's research center in Cocodrie and the lead researcher on the NOAA dead zone team, said in a news release.

Environmentalists cast blame on the meat industry, which has long been a target of such criticism. They also blame federal and state authorities for failing to live up to agreements to cut the pollution that causes the dead zone.

"This massive dead zone shows that current efforts from states and the feds are woefully inadequate," Matt Rota, senior policy director for the Gulf Restoration Network, said in a news release. "Study after study has shown that everyone from EPA to state environmental departments need to step up their game. Unfortunately, this hasn't happened. In fact, we just see the dead zone growing bigger and bigger."

Rota cited a report released last week by another environmental group called Mighty Earth, which blames some of the nation's largest meat producers as primary culprits.

Mighty Earth says its investigation mapped the supply chains of top meat and feed companies and overlaid it with federal data showing elevated nitrate concentrations in waterways with high levels of fertilizer pollution.

America's largest meat producer, Tyson Foods, stood out, Mighty Earth says. Among the environmental group's findings:

- Tyson is the only meat company with major processing facilities in each of the states listed by the U.S. Geological Survey as contributing the highest levels of pollution to the Gulf.
- Tyson and Smithfield have the heaviest concentration of meat facilities in those regions of the country with the highest levels of nitrate contamination.
- Tyson's top feed suppliers are behind the bulk of grassland prairie clearance, which increases runoff and magnifies the impact of fertilizer pollution. Cargill and ADM dominate the market for corn and soy with their network of grain elevators and feed silos in all the states with the highest grassland losses.

"Americans should not have to choose between producing food and having healthy clean water", Mighty Earth Campaign Director Lucia von Reusner said in a news release. "Big meat companies like Tyson have left a trail of pollution across the country and have a responsibility to their customers and the public to clean it up."

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Groups debate who's to blame for Gulf dead zone

A meat industry group rejects the claims and calls the study flawed. In a blog post Thursday, the North American Meat Institute calls it “Might Earth’s Mighty Miss.”

“The report fails at a very basic level because it conveniently ignores facts and greatly simplifies how crops are grown in the U.S. and how those crops are used,” the industry group said. “The report’s claims are akin to blaming the steel industry for auto emissions because steel is used in cars.”

The most “egregious assumption” Mighty Earth makes is that corn and soy grown in the Midwest are almost exclusively used by the meat industry, the institute said.

“This presumption is simply false, undermining the report’s premise,” the blog post says.

USDA data show more corn is used to produce ethanol, more than 40 percent of production, than for any other use, the industry group says. Animal feed is the next largest use, followed by a variety of others, such as sweeteners, cereals, flours and other foods.

“There are thousands of farmers throughout the Midwest who grow crops for these various uses and today they take numerous steps to ensure they are producing food responsibly and sustainably,” the institute says.

A study by scientists at LSU and other universities, released last week, notes that major changes are necessary to reach the Gulf Hypoxia Task Force’s longstanding goal of reducing the dead zone’s size by more than two-thirds. The task force has delayed the target date for achieving that goal to 2035 amid environmentalists’ allegations of foot-dragging.

Among the university study’s recommendations: change fertilizer application rates, use crops that help prevent runoff and soil erosion, improve pollution management and pursue alternatives to corn-based biofuels.

“It is time to ask what is preventing more extensive implementation of some or all of these strategies,” the study authors wrote.

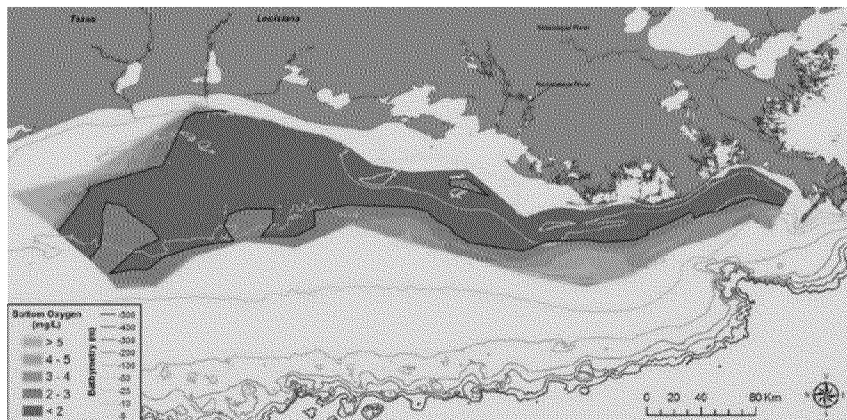
NEW ORLEANS OPINIONS

Gulf of Mexico dead zone is going in the wrong direction: Editorial

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Updated on August 6, 2017 at 6:12 AM

Posted on August 6, 2017 at 6:11 AM



Researchers measured the largest dead zone since 1985 during their 2017 cruise, with this year's low-oxygen area totaling 8,776 square miles, larger than the state of New Jersey. Red on the map indicates hypoxia, where the oxygen level is less than 2 parts per million.

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By The Times-Picayune Editorial Board

Sixteen years after voluntary limits on fertilizer went into effect, the dead zone in the Gulf of Mexico this year is the largest since scientists began measuring it in the mid-1980s.

The low-oxygen zone this year covers at least 8,776 square miles, which is as large as the state of New Jersey. The dead zone is likely even larger than that, but the research ship had limited time to monitor it.

It has been clear for some time that the voluntary reductions of fertilizer use along the upper Mississippi River weren't sufficient to reduce the dead zone. But that is reinforced by these measurements showing it has grown dramatically.

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Gulf of Mexico dead zone is going in the wrong direction: Editorial | NOLA.com

When the fertilizer limits were put in place in 2001, the goal was to reduce the size of the dead zone to no more than about 1,900 square miles by 2015.

That didn't happen. And this year's dead zone is more than four times larger than the goal.

Between 2010 and 2015, the dead zone averaged about 5,500 square miles. The annual area of low oxygen in the Gulf shrank to 2,889 square miles in 2012 -- one of the smallest dead zones in almost three decades. But that was due to a drought up river, not to the fertilizer measures.

The voluntary limits in the Mississippi River basin have failed, Donald Scavia, University of Michigan environmental engineering professor, wrote in a recent opinion essay for The Conversation. "In spite of more than 30 years of research and monitoring, over 15 years of assessments and goal-setting, and over \$30 billion in federal conservation funding since 1995, average nitrogen levels in the Mississippi have not declined since the 1980s."

The task force leading the effort to reduce nitrogen recently extended the goal for shrinking the dead zone by 20 years, to 2035, he said.

New modeling "shows that it would take a 59 percent reduction in the amount of nitrogen entering the Gulf of Mexico to reach the task force's goal," Mr. Scavia said. He argues that government needs to make the reductions legally binding instead of voluntary.

A 2015 study in the Journal of the American Water Resources Association laid out other strategies that, combined with limits on fertilizer use, might have a significant impact on the dead zone.

The scientists recommend enhancing drainage ditches, restoring wetlands on some marginal cropland and reconnecting rivers to their flood plains.

That basically would create wetland filters to remove nitrogen and other nutrients before water drains off of fields and into waterways, the study said. The land in question isn't very productive now, so there would be minimal effects on farm production, it said.

The main causes of the dead zone, which was discovered in the 1970s, are well defined. Nitrogen and phosphorus from farmland flow into the Mississippi and Atchafalaya rivers and eventually the Gulf of Mexico, where the nutrients cause massive algae blooms. When the algae die and decay, oxygen is sucked out of the water. The resulting hypoxia kills bottom-dwelling marine life and forces fish and shrimp to move to areas where there is more oxygen -- which means fishers have to go farther to harvest them.

The push to reduce nitrogen and phosphorous runoff was complicated by the increase in corn production for ethanol, which the federal government encouraged. The growth in ethanol resulted in 15 million new acres of farmland being planted with corn in 2007 alone.

The Environmental Protection Agency needs to take another look at this issue. Reducing the dead zone is essential to the health of the Gulf, but it's headed in the opposite direction.

There is 16 years of evidence that the current strategy isn't working. It's time for a different approach.

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Editorials

Editorial: Safety breaches at LANL keep coming to light

By Albuquerque Journal Editorial Board

Saturday, August 5th, 2017 at 12:02am

Los Alamos National Security LLC, the corporation contracted by the federal National Nuclear Security Administration to run Los Alamos National Laboratory, seems incapable of providing the degree of safety the nation's premiere nuclear lab requires.

Fortunately, the NNSA has opted against renewing the corporation's multibillion-dollar contract beyond 2018 and released its draft request for proposals to manage the lab last month.

LANL's oversight problems – ranging from a kitty litter packaging error that shut down the nation's only permanent nuclear waste repository for nearly three years to improperly shipping nuclear material to other federal facilities by commercial cargo plane – continue.

A recent article by the Pulitzer Prize-winning Center for Public Integrity revealed that plutonium, conventional explosives and highly toxic chemicals have been improperly packaged or shipped by nuclear weapons contractors at least 25 times in the past five years – including a 2012 shipment of unlabeled plutonium from LANL to a University of New Mexico laboratory. No injuries were reported, but the lab had to be decontaminated.

Management of LANL, the lab that developed the world's first nuclear bomb, will become even more critical as the NNSA works to extend the life of the nation's aging nuclear arsenal. A key part of those sustainment efforts is the resumption of the manufacturing of plutonium "pits" – the triggers for nuclear bombs.

That's one major reason why it's critical LANL get its act together between now and whenever a new contractor – hopefully one far more safety-minded than its current one – is selected to move the lab forward.

This editorial first appeared in the Albuquerque Journal. It was written by members of the editorial board and is unsigned as it represents the opinion of the newspaper rather than the writers.

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OPINION: MASTERSON ONLINE: Ignoring Big Creek

OPINION

MASTERSON ONLINE: Ignoring Big Creek

By [Mike Masterson](#)

This article was published August 5, 2017 at 2:08 a.m.

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You'd think our state Department of Environmental Quality (wheeze) eventually would overcome the need to play politics when it comes to the controversial hog factory it quickly and quietly allowed into the Buffalo National River watershed four years ago.

After all, this agency allegedly exists to enhance environmental quality rather than lobby for the benefits of domestic animal husbandry.

Yet it continues down the path of protecting and promoting the factory with 6,500 swine. It's a place that continuously sprays millions of gallons of raw hog waste onto a limited number of fields along and around Big Creek, a major tributary of the Buffalo flowing just 6 miles downstream.

In the latest example of the department's backflips to accommodate C&H Hog Farms at Mount Judea, the agency omitted Big Creek from the state's latest federal list of "impaired waterbodies" even though extensive testing has shown that stream is more than deserving to be near the top of that EPA-required listing.

Many people believe as I do: The Department of Environmental Quality hierarchy (and perhaps above them) find reasons not to include Big Creek because being cited as impaired would mean the agency would have to aggressively discover the source of the documented contamination. And who knows? That investigation might lead right to this misplaced hog factory operation that has been so championed politically by the agency, the Farm Bureau and Pork Producers.

So the department submitted its 303(d) list of streams to the EPA minus Big Creek. And the agency seemed pleasantly relieved when the EPA approved its submission after stalling for four years. Such lists are required from states every two years under the Clean Water Act.

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A news account by reporter Emily Walkenhorst said the EPA until this month had not acted on our state's past four consecutive impaired-waters lists. The EPA finally took action after approving and disapproving of elements of Arkansas' water-quality standards last fall, said Department of Environmental Quality Director Becky Keogh.

Keogh said she was "pleased" with the action, while Gov. Asa Hutchinson said the decision to remove many of the state's waters once listed as impaired underscores efforts to "protect and enhance our natural environment."

When it comes to adequately protecting and enhancing the Buffalo National River, I suspect many Arkansans strongly disagree.

Fisheries scientist Teresa Turk has been studying contamination in Big Creek and the Buffalo for years. "I'm disappointed science did not prevail in the face of large corporate agriculture politics on the state and federal level. The state ignored high E. coli levels collected by the Big Creek Research and Extension Team that met the definition of impairment in Arkansas Pollution Control and Ecology Commission Regulation 2. In addition, low dissolved oxygen readings exceeding standards were recorded by the U.S. Geologic Survey on Big Creek in 15-minute intervals. That provided greater resolution and accuracy than any other monitored streams in Arkansas. Yet [the Department of Environmental Quality] stated they didn't have a way to use or assess such high quality and frequent information."

Turk said for practically all other streams, the state agency doesn't have enough relevant information. Yet in the case of Big Creek, where the data showed impairment, it declined to use that information and declared instead that Big Creek didn't have sufficient data. This is a stream that has more data collected than any other place in Arkansas.

The department's "decision to not list Big Creek undermines its credibility as a reputable scientific agency," Turk continued. "In this case, politics has trumped good science and good logic. You can't spread almost 3 million gallons of pig poop containing pathogens and phosphorus every year in a karst area next to a stream and not have serious stream degradation."

Duane Woltjen with the Ozark Highlands Trail Association told me Keogh responded to the Buffalo National River's request for an impaired listing for Big Creek with the same "insufficient evidence" excuse when the river sought that designation months ago.

"As I recall, the years of evidence we have was from the Buffalo National Park lab, which Keogh claimed was not certified for the first few years before becoming certified two years ago. But [the Department of Environmental Quality] says five years of consistent and persistent impairment is required to be officially listed. Under that criteria, this means two years are down, three to go, for [the agency] to admit Big Creek is impaired," said Woltjen.

Geosciences professor emeritus John Van Brahana, who more than any other has studied water quality and subsurface flow around the hog factory since it began operating in 2013, believes omitting Big Creek "appears to be a deliberate ignoring of facts presented by many researchers

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OPINION: MASTERSON ONLINE: Ignoring Big Creek

who have responded to the external expert team hired by the Big Creek Research and Extension Team to address the karst and groundwater affecting Big Creek and the Buffalo.”

“The data we have from Big Creek, and especially the springs and groundwater that drain the spreading fields that flow into Big Creek and other Buffalo tributaries show anomalously high values of isotopes of dissolved trace metals (extreme high flow values), E. coli values in ephemeral streams draining into Big Creek during storm events, extremely high algae concentrations weeks to months after the spreading of feces and urine ... and dye-tracing results that showed travel during high-water conditions to contiguous stream basins and the Buffalo from sites near spreading fields.

“Most Arkansas high school students whose parents are real farmers would be well aware of problems caused by industrial agriculture to water quality downstream, although [the Department of Environmental Quality] has developed a recent record of ignoring these facts by altering rules and regulations,” claims Brahana, saying the department “raised the ante by requiring five years of data for an ‘impaired streams’ listing, thereby buying time and satisfying the ag-industrial lobby.”

These occurrences don’t protect Big Creek or the Buffalo, says Brahana, nor do they follow peer-reviewed science that has raised a multitude of questions. He asks, “when science conducted by numerous independent, interdisciplinary scientists indicates problems exist, what’s the honest rationale behind Arkansas’ protective agency of the state’s environment requiring five years of data before it addresses or fixes it?”

Finally, Gordon Watkins, who heads the Buffalo National River Watershed Alliance, said his organization was “disappointed but not surprised by [the Department of Environmental Quality]’s failure to list Big Creek as impaired when facts show otherwise.”

He was surprised EPA Director Scott Pruitt visited the state and appeared before a select group of ag interests at the Poultry Commission offices rather than in public. “The signal it sends is not encouraging to those who feel Big Ag is having an inordinate negative impact on water quality, and suggests it will only get worse,” said Watkins. “But we’ve been active participants in current [department] methodology meetings.

“And we just submitted Big Creek data, as did the National Park Service, for the 2018 Water Quality Monitoring and Assessment Report. That data will be used for the EPA’s 2018 303(d) list. We’re hopeful [the Department of Environmental Quality] won’t eliminate this data on another technicality and Big Creek finally will be rightly acknowledged as being impaired, and that corrective action will be taken.”

8/7/2017

Deadline Looms for NM Comments on Oil and Gas Methane Rule Rollbacks / Public News Service

Monday 7th of August 2017



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Deadline Looms for NM Comments on Oil and Gas Methane Rule Rollbacks



The Environmental Protection Agency just keeps fighting new limits on methane emitted from oil and gas operations. (Sierra Club Rio Grande Chapter)



August 7, 2017

ALBUQUERQUE, N.M. – New Mexico residents have until Wednesday to submit comments on stricter standards for methane leaks from new and modified oil and gas operations.

The tougher rules were approved under the Obama administration, but they're among those the Trump administration has promised to roll back. Environmental Protection Agency Administrator Scott Pruitt has argued that the oil and gas industry didn't have enough input on the new standards aimed at preventing air pollution.

New Mexico rancher Don Schreiber said he opposes any rollback. He attended dozens of public meetings and said hundreds of thousands of comments were already submitted supporting the changes.

"Ranchers across the American West are all affected when dislocated, removed, ex-corporate people like Administrator Pruitt start taking protections away that we fought for, and really count on," Schreiber said.

The EPA first tried to impose a 90-day temporary moratorium on the new standards, but a court overruled it. So, the agency is moving ahead with its push for a two-year moratorium.

The public comment period on the new standards ends this Wednesday, August 9.

The Trump administration also continues to go after methane waste at well sites on land managed by the Bureau of Land Management. Schreiber said pollution from the 25,000 active wells in the San Juan Basin will continue to have negative health consequences if the methane waste rule is abandoned, because air pollution has no boundaries.

"There's only a few people, families, across the American West that shoulder the burden of natural gas when it's produced, and what its side effects are," he said. "This is a fight about air - there is no BLM air, there is no EPA air. It's just air."

Schreiber said he and others have watched their ranches disappear, as he puts it, "one well at a time." He sees the effort to roll back tougher regulations as proof that in states like New Mexico, energy production is a higher priority than clean air and public health.

Roz Brown, Public News Service - NM

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North Side flood-control project finally underway

By Scott Huddleston | August 4, 2017 | Updated: August 4, 2017 6:29pm

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North Side flood-control project finally underway - San Antonio Express-News



Photo: Billy Calzada /San Antonio Express-News

IMAGE 1 OF 13

Flor Salas prepares for a groundbreaking ceremony Friday for the Barbara Drive Drainage Phase 1 project. Councilman Roberto Treviño, Transportation & Capital Improvements and community members gathered to ... more

City and county officials have begun a long-awaited flood-control project on the near North Side, starting the first of phase of work to improve an area where dozens of homes were badly damaged in a torrential Memorial Day weekend deluge north of Olmos Basin four years ago.

Councilman Roberto Treviño said the \$6.2 million Barbara Drive Drainage Phase 1 Project will widen and reconstruct an existing drainage system, providing a 150-foot-wide earthen channel with the capacity to collect more surface water runoff than

the existing drainage structures in the area of a 100-year floodplain. Improvements from McCullough Avenue to Basin Drive will expand the the capacity of the underground storm system from Barbara Drive to Oblate Drive, replace box culverts and realign Basin Drive from Shannon Lee Drive to the alley north of Sharon Drive.

Engineers believe that replacing an existing culvert with the open earthen channel will be instrumental in preventing future flash flooding between North Star Mall and Alamo Quarry Market.

City officials also mentioned the addition of walking paths and safety lighting in an effort to create a parklike aesthetic with landscape restoration as part of the project.

At least 23 homes in the Ridgeview-Shearer Hills neighborhood were heavily damaged in a May 2013 flood event that caused three deaths in Bexar County. Nearly 60 other homes there incurred minor damage.

Even before the 2013 storm, which dumped up to 14 inches of rain in the area, the neighborhood had regularly incurred flooding problems in heavy rain.

“Safety is our No. 1 priority, and this project will address residents’ concerns as well as provide green space for the neighborhood to exercise and play,” Treviño told residents who attended a groundbreaking ceremony Friday morning.

The project, managed by the city’s Transportation & Capital Improvements, was designed by Civil Engineering Consultants and will be handled by SB Contractors LLC. It will be funded through the city’s Storm Water Regional Facilities Program and an interlocal agreement with Bexar County. The project is set to be completed in September 2018.

City officials have said the project, part of a larger multiphase effort in the area, will force partial street closures on Shannon Lee, Barbara and Oblate drives, resulting in temporary detours.

Since the 2013 flood, 34 homes in the neighborhood, mostly located near a stormwater channel and in the 200 block of Barbara and 300 block of Shannon Lee, were demolished through city-funded buyouts. In 2015, the county committed \$8.5 million for drainage upgrades. Engineers determined that the homes were in an area that needed to be cleared in order to provide a practical flood-control solution.

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North Side flood-control project finally underway - San Antonio Express-News

According to a 2014 San Antonio Express-News article, Diego Bernal, who preceded Treviño as councilman and now is a state legislator, said the buyout plan was one of the most difficult issues he had faced. He decided to encourage residents to consider selling their property for their own sense of security and best interests of the neighborhood.

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Antonio Express-News

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Environment notebook

By Emily Walkenhorst [twitter](#)

This article was published August 6, 2017 at 2:44 a.m.

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Department official resigns, is replaced

One of Arkansas' top environmental officers has resigned.

Deputy Director Tori Gordon's last day with the Arkansas Department of Environmental Quality was Saturday, according to her resignation letter submitted earlier in the summer. Gordon oversaw the office of land resources.

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Gordon, a former policy adviser in Gov. Asa Hutchinson's office, had held the position since July 11, 2016. She earned \$96,959.82 in annual salary.

Gordon will be replaced by Kevin White, whom the department hired in November to oversee enterprise services. That office works with businesses to comply with regulations or reduce emissions and other waste. He will be paid the same annual salary as Gordon.

White, 52, is a former pastor who is working toward a master's degree in public health from the University of Arkansas at Fort Smith. He has a Master of Divinity degree from the New Orleans Baptist Theological Seminary and a bachelor's degree in business administration from Mississippi College. White was a pastor for eight years before joining the department.

The office of land resources is one of three main environmental arms of the department, overseeing solid waste, hazardous waste, other regulated wastes, mining and petroleum storage tanks.

Ozone plan targets pollution in county

The Arkansas Department of Environmental Quality has put together a voluntary plan to reduce ozone pollution in Crittenden County.

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Environment notebook

The county is officially in attainment of the U.S. Environmental Protection Agency's ozone standards. But the county, located in the major Memphis trucking corridor, has a history of noncompliance.

The department's plan is open to public comment through the close of business Sept. 25.

The plan calls for reducing nitrogen oxide levels in the air, which are usually caused by on-road sources. Other emissions, like volatile organic compound emissions, come from sources that can't be regulated.

Reductions would be achieved through more efficient fuels and infrastructure, improved industry equipment, carpooling and public transit, among other things.

Ground-level ozone, often referred to as smog, occurs naturally in the atmosphere but forms at ground level when car exhaust and industrial emissions react to high temperatures and sunlight.

Exposure to ground-level ozone can intensify allergies or respiratory problems for people who already have them. High levels of ozone can create respiratory problems for anyone who goes outside.

The EPA's standard for ozone is 75 parts of ozone per billion parts of air, measured by taking the fourth-highest daily ozone level each year for three years and averaging that number. The standard will change to 70 late this year.

Officials have expected Crittenden County, which came in at 66 parts of ozone per billion parts of air in 2015, to achieve the new standard.